

# House Study Bill 169 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

## A BILL FOR

1 An Act relating to the board of pharmacy temporarily  
2 designating a substance a controlled substance, and  
3 providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. Section 124.201, subsection 4, Code 2015, is  
2 amended to read as follows:

3     4. If any new substance is designated as a controlled  
4 substance under federal law and notice of the designation is  
5 given to the board, the board shall similarly designate as  
6 controlled the new substance under this chapter after the  
7 expiration of thirty days from publication in the federal  
8 register of a final order designating a new substance as a  
9 controlled substance, unless within that thirty-day period  
10 the board objects to the new designation. In that case the  
11 board shall publish the reasons for objection and afford  
12 all interested parties an opportunity to be heard. At  
13 the conclusion of the hearing the board shall announce its  
14 decision. Upon publication of objection to a new substance  
15 being designated as a controlled substance under this chapter  
16 by the board, control under this chapter is stayed until the  
17 board publishes its decision. If a substance is designated  
18 as controlled by the board under this subsection the control  
19 shall be considered a temporary and if, within sixty days after  
20 the next regular session of the general assembly convenes, the  
21 general assembly has not made the corresponding changes in this  
22 chapter, the temporary designation of control of the substance  
23 by the board shall be nullified amendment to the schedules  
24 of controlled substances in this chapter. If the board so  
25 designates a substance as controlled, which is considered a  
26 temporary amendment to the schedules of controlled substances  
27 in this chapter, and if the general assembly does not amend  
28 this chapter to enact the temporary amendment during the two  
29 successive regular sessions of the general assembly that  
30 convene after the board makes the designation, the temporary  
31 amendment is repealed by operation of law on July 1 following  
32 the convening of that second successive regular session of the  
33 general assembly. A temporary amendment repealed by operation  
34 of law is subject to section 4.13 relating to the construction  
35 of statutes and the application of a general savings provision.

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EXPLANATION

2

The inclusion of this explanation does not constitute agreement with  
the explanation's substance by the members of the general assembly.

3

4 This bill relates to the board of pharmacy temporarily  
5 designating a substance a controlled substance.

6 Under current law and in the bill, the board of pharmacy  
7 may designate a new substance as a controlled substance, by  
8 administrative rule, without the general assembly amending  
9 Code chapter 124, only if the substance is designated as a  
10 controlled substance under federal law.

11 If the board of pharmacy designates a substance as  
12 controlled, the bill specifies that the temporary designation  
13 is considered a temporary amendment to the schedules of  
14 controlled substances in Code chapter 124, and if the general  
15 assembly does not amend Code chapter 124 to enact the temporary  
16 amendment during the two successive regular sessions of the  
17 general assembly that convene after the board of pharmacy  
18 makes the designation, the temporary amendment is repealed by  
19 operation of law on July 1 following the convening of that  
20 second successive regular session of the general assembly. A  
21 temporary amendment repealed by operation of law is subject to  
22 Code section 4.13 relating to the construction of statutes and  
23 the application of a general savings provision.

24 Current law provides that if within 60 days after the next  
25 general assembly convenes and the general assembly has not made  
26 the corresponding changes in Code chapter 124, the temporary  
27 designation that the substance is a controlled substance is  
28 nullified.